

1 HOUSE BILL NO. 27

2 INTRODUCED BY N. DURAM

3 BY REQUEST OF THE TRANSPORTATION INTERIM COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING NOTICE THAT EXISTING NONSTANDARD
6 PENALTIES APPLY TO CERTAIN TRAFFIC REGULATIONS; AND AMENDING SECTIONS 61-8-303, 61-8-
7 308, 61-8-312, 61-8-326, 61-8-331, 61-8-346, AND 61-8-356, MCA."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 61-8-303, MCA, is amended to read:

12 **"61-8-303. Speed restrictions.** (1) Except as provided in 61-8-309, 61-8-310, and 61-8-312, the
13 speed limit for vehicles traveling:

14 (a) on an interstate highway outside an urbanized area of 50,000 population or more is 80 miles an
15 hour at all times and the speed limit for vehicles traveling on interstate highways within an urbanized area of
16 50,000 population or more is 65 miles an hour at all times;

17 (b) on any other public highway of this state is 70 miles an hour during the daytime and 65 miles
18 an hour during the nighttime;

19 (c) in an urban district is 25 miles an hour.

20 (2) A vehicle subject to the speed limits imposed in subsection (1) may exceed the speed limits
21 imposed in subsection (1) by 10 miles an hour in order to overtake and pass a vehicle and return safely to the
22 right-hand lane under the following circumstances:

23 (a) while traveling on a two-lane road; and

24 (b) in a designated passing zone.

25 (3) Subject to the maximum speed limits set forth in subsection (1), a person shall operate a
26 vehicle in a careful and prudent manner and at a reduced rate of speed no greater than is reasonable and
27 prudent under the conditions existing at the point of operation, taking into account the amount and character of
28 traffic, visibility, weather, and roadway conditions.

1 (4) Except when a special hazard exists that requires lower speed for compliance with subsection
2 (3), the limits specified in this section are the maximum lawful speeds allowed.

3 (5) "Daytime" means from one-half hour before sunrise to one-half hour after sunset. "Nighttime"
4 means at any other hour.

5 (6) The speed limits set forth in this section may be altered by the transportation commission or a
6 local authority as authorized in 61-8-309, 61-8-310, 61-8-313, and 61-8-314.

7 (7) A person who violates this section is subject to the penalties provided in 61-8-725."

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9 **Section 2.** Section 61-8-308, MCA, is amended to read:

10 **"61-8-308. Permission of authorities to hold speed contest.** (1) No race or contest for speed shall
11 be held and no person shall engage in or aid or abet in any motor vehicle speed contest or exhibition of speed
12 on a public highway or street without written permission of the authorities of the state, county, or city having
13 jurisdiction and unless the same is fully and efficiently patrolled for the entire distance over which such race or
14 contest for speed is to be held.

15 (2) A person who is convicted of violating this section is subject to the penalties provided in 61-8-
16 717."

17

18 **Section 3.** Section 61-8-312, MCA, is amended to read:

19 **"61-8-312. Special speed limitations on trucks, truck tractors, and motor-driven cycles.** (1)
20 Except as provided in 61-8-303, 61-8-309, 61-8-310, and subsection (2) of this section, the speed limit for a
21 truck or truck tractor of more than 1 ton "manufacturer's rated capacity" traveling on:

22 (a) an interstate highway, as defined in 60-1-103, is 70 miles an hour; and

23 (b) any other public highway is 65 miles an hour.

24 (2) Except as provided in 61-8-303, 61-8-309, and 61-8-310, the speed limit for a vehicle subject to
25 a term permit under 61-10-124(2)(d) or a truck-trailer-trailer or truck tractor-semitrailer-trailer-trailer combination
26 of vehicles subject to special permits under 61-10-124(3) is 65 miles an hour unless otherwise stated in the
27 permit.

28 (3) A person may not operate a motor-driven cycle at any time mentioned in 61-9-201 at a speed

1 greater than 35 miles an hour unless the motor-driven cycle is equipped with a headlamp or lamps that are
2 adequate to reveal a person or vehicle at a distance of 300 feet ahead.

3 (4) A person who violates this section is subject to the penalties provided in 61-8-725."
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5 **Section 4.** Section 61-8-326, MCA, is amended to read:

6 **"61-8-326. No-passing zones.** (1) The department of transportation and local authorities may
7 determine those portions of a highway in their respective jurisdictions where overtaking and passing or driving
8 to the left side of the center of the roadway would be especially hazardous, and they may by official traffic
9 control devices on the highway indicate the beginning and end of these zones. When the official traffic control
10 devices are in place and clearly visible to an ordinarily observant person, an operator of a vehicle shall obey the
11 directions of those devices.

12 (2) (a) Except as provided in subsection (2)(b), where official traffic control devices are in place to
13 define a no-passing zone as set forth in subsection (1) an operator of a vehicle may not drive on the left side of
14 the center of the roadway within the no-passing zone or on the left side of a pavement striping designed to
15 mark the no-passing zone throughout its length.

16 (b) Subsection (2)(a) does not apply to the operator of a faster vehicle passing a bicycle when:

17 (i) the bicycle is traveling at less than half the posted speed limit;

18 (ii) the faster vehicle is capable of overtaking and passing the bicycle without exceeding the
19 posted speed limit; and

20 (iii) there is sufficient clear sight distance to the left side of the center of the roadway to meet the
21 overtaking and passing requirements in 61-8-325.

22 (3) The provisions of this section do not apply under the conditions provided in 61-8-321(1) or to
23 the operator of a vehicle that is turning left into or from an alley, private road, or driveway.

24 (4) A person who is convicted of violating this section is subject to the penalties provided in 61-8-
25 724."
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27 **Section 5.** Section 61-8-331, MCA, is amended to read:

28 **"61-8-331. Restricted and controlled access.** (1) A person may not operate a vehicle onto or from a

1 controlled-access roadway except at entrances and exits that are established by public authority.

2 (2) On a controlled-access highway or facility a person may not:

3 (a) operate a vehicle over, upon, or across a curb, central dividing section, or other separation or
4 dividing line;

5 (b) make a left turn or a semicircular or U-turn except through an opening provided for that
6 purpose in the dividing curb, section, separation, or line if travel through the opening is not prohibited by an
7 official traffic control device;

8 (c) operate a vehicle except in the proper lane, in the proper direction, and to the right of the
9 central dividing curb, separation, section, or line;

10 (d) operate a vehicle from a local service road except through an opening provided for that
11 purpose in the dividing curb, section, or line that separates the service road from the highway or facility;

12 (e) construct, operate, or maintain a road or private driveway connecting with the highway or
13 facility without first obtaining permission in writing from the public authority having jurisdiction.

14 (3) (a) A person who is convicted of violating subsection (1) is subject to the penalties provided in
15 61-8-711.

16 (b) A person who is convicted of violating subsection (2) is subject to the penalties provided in 61-
17 8-720."

18

19 **Section 6.** Section 61-8-346, MCA, is amended to read:

20 **"61-8-346. Operation of vehicles on approach of authorized emergency vehicles or law**

21 **enforcement vehicles -- approaching stationary emergency vehicles or law enforcement vehicles --**

22 **reckless endangerment of emergency personnel.** (1) Upon the approach of an authorized emergency

23 vehicle making use of audible and visual signals meeting the requirements of 61-9-402 or of a law enforcement

24 vehicle properly and lawfully making use of an audible signal only, the operator of every other vehicle shall yield

25 the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand

26 edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the

27 authorized emergency vehicle or law enforcement vehicle has passed, except when otherwise directed by a

28 police officer or highway patrol officer.

1 (2) This section does not relieve the driver of an authorized emergency vehicle or law enforcement
2 vehicle from the duty to drive with due regard for the safety of all persons using the highway.

3 (3) On approaching and passing a stationary authorized emergency vehicle, law enforcement
4 vehicle, or tow truck that is displaying visible signals of flashing or rotating amber, blue, red, or green lights or
5 any temporary sign advising of an emergency scene or accident ahead, the operator of the approaching vehicle
6 shall:

7 (a) cautiously and in a careful manner reduce the vehicle's speed to a reasonably lower and safe
8 speed appropriate to the road and visual conditions or to the temporarily posted speed limit, but to a careful and
9 prudent speed if a temporarily posted speed has not been posted;

10 (b) proceed with caution; and

11 (c) if possible considering safety and traffic conditions:

12 (i) move to a lane that is not adjacent to the lane in which the authorized emergency vehicle, law
13 enforcement vehicle, or tow truck is located;

14 (ii) move as far away from the authorized emergency vehicle, law enforcement vehicle, or tow
15 truck as possible; or

16 (iii) follow flagger instructions or instructions on sign boards.

17 (4) An operator of a vehicle who violates subsection (3) commits the offense of reckless
18 endangerment of emergency personnel and is subject to the penalties provided in 61-8-715."

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20 **Section 7.** Section 61-8-356, MCA, is amended to read:

21 **"61-8-356. Prohibition against parking or leaving vehicles on public property -- presumption of**
22 **ownership.** (1) A vehicle may not be parked or left standing upon the right-of-way of a public highway for a
23 period longer than 48 hours or upon a city street or state, county, or city property for a period longer than 5
24 days.

25 (2) The abandonment of a vehicle, other than a bicycle, on a public highway, a city street, public
26 property, or private property creates a prima facie presumption that the last-registered owner of the vehicle is
27 responsible for the abandonment and is liable for the costs incurred in removing, storing, and disposing of the
28 abandoned vehicle, less the amount realized if the vehicle is sold.

1 (3) The filing of a theft report with a law enforcement agency prior to the abandonment relieves the
2 last-registered owner of liability under subsection (2).

3 (4) A person who is convicted of violating this section is subject to the penalties provided in 61-8-
4 719."

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